

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 1362

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

This bill seeks to rationalize the implementation of national policies, standards and regulations relating to occupational safety and health and environmental protection.

Studies show that there are a number of government agencies, both national and local, that are involved in the administration and enforcement of occupational safety and health and environmental protection laws. It appears that these agencies are authorized by existing laws to participate in the implementation of these concerns.

In the field of occupational safety and health, there are no less than ten (10) agencies that are involved in the implementation of the program. The same is true with respect to the implementation of environmental protection laws.

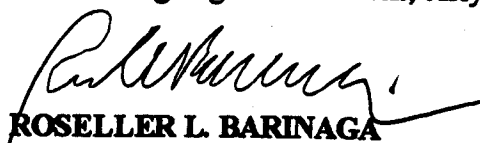
Studies moreover show that there is no single lead agency that coordinates and oversees the implementation of the national program on occupational safety and health and the environmental protection thereby resulting in the fragmented administration of said programs.

Existing laws do not provided for a clear delineation of responsibilities of the agencies that participate in the implementation of these programs thereby resulting in the overlapping and duplication of functions and difficulty in pinpointing direct responsibility.

The bill proposes to identify the lead agency which will be responsible for coordinating and overseeing the activities of all agencies that are involved in the promotion of occupational safety and health standards and environmental protection programs. It also seeks to authorize the lead agency, after consultations with participating agencies and sectors concerned, to prescribe administrative fines in cases of violations of such standards and regulations.

The administrative fines which may be imposed are in addition to the penalties provided for under existing laws. The fine is imposed on a daily basis until the violation is corrected. This is an effective measure to ensure compliance with the law.

For the foregoing considerations, early approval of this bill is earnestly recommended.



ROSELLER L. BARINAGA
Representative
2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

HB NO. 1362

Introduced by Rep. Roseller L. Barinaga

**AN ACT
TO RATIONALIZE THE ADMINISTRATION AND ENFORCEMENT OF ALL
LAWS ON OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND
ENVIRONMENTAL PROTECTION AND OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Declaration of Policy. It is hereby declared the policy of the State to:

(a) Protect every worker against injury, sickness or death through safe and healthful working conditions, thereby assuring the conservation of valuable manpower resources and the prevention of unnecessary loss or damage to lives and properties;

(b) Protect and advance the right of the people to a well-balanced and healthful ecology in accord with the rhythm, harmony and integrity of nature;

(c) Prevent and control pollution of water, air and land from any source which will be detrimental to public health, safety and welfare and adversely affect rational utilization of sustainable resources of the country;

(d) Create, develop, maintain and improve conditions under which people and nature may prosper in wholesome harmony with each other;

(e) Ensure the attainment of an environmental quality that is conducive to a life of dignity and well-being; and

(f) Promote and support research and training activities which are necessary to develop relevant standards in occupational health and safety and legislations to protect the environment.

SEC. 2. Lead Agency in Occupational Safety and Health Promotion. The Department of Labor and Employment (DOLE) shall be the principal agency in coordinating and monitoring the activities of all government agencies involved in the implementation of all laws to promote occupational safety and health. For purposes of this Act, the term

"occupational safety and health" shall include any matter that affects the safety and health of workers in all places of employment.

Toward this end, the DOLE shall be primarily responsible for the administration and enforcement of all laws, standards and regulations on occupational safety and health and shall have the following duties:

(a) Review existing policies, standards and programs of all government agencies involved in occupational health standards and recommend to the President and Congress new policies, standards and programs relative thereto in consultation with a tripartite body composed of the representatives of the workers; employers and the government;

(b) Enlist the assistance of appropriate government agencies, including local government subdivisions, in the implementation and/or enforcement of occupational safety and health programs, standards and regulations in accordance with such conditions as it may prescribe;

(c) Act as the national monitoring agency on the progress of the implementation of policies, programs, research, training and information dissemination on workers safety and health and submit a yearly report thereon to the President and Congress; and

(d) Promulgate such necessary rules and regulations to effectively carry out the provisions and objectives of this Act.

SEC. 3. *Lead Agency in Environmental Protection.* The Department of Environment and Natural Resources (DENR) shall be the principal agency of the government in coordinating and monitoring the activities of all government agencies or instrumentalities involved in the administration and enforcement of all laws, standards and regulations relating to environmental protection and the natural resources of this country in formulating an intensive and integrated program on environmental protection, including, but not limited to, manufacture, importation, processing, distribution, use and disposal of hazardous and toxic substances and mixtures; and development, utilization and conservation of natural resources and over-all maintenance of a well-balanced and healthful ecology.

Toward this end, the DENR shall be primarily responsible for the administration and enforcement of laws, standards and regulations on environmental protection and on the natural resources of this country and shall have the following duties:

(a) Review existing policies, standards and programs of all government agencies involved in the establishment of environmental assessment and recommend to the President and Congress new policies, standards and programs relative thereto in consultation with pertinent government and non-government agencies;

(b) Enlist the assistance of appropriate government agencies, including local government subdivision, and non-government, organizations in the implementation and/or enforcement of environmental health, safety and protection programs, standards and regulations in accordance with such conditions as it may prescribe;

(c) Act as the national monitoring agency on the progress of implementation of policies, programs, research, training and information dissemination on environmental health, safety and protection and submit a yearly report thereon to the President and Congress; and

(d) Promulgate such necessary rules and regulations to effectively carry out the provisions and objectives of this Act.

SEC. 4. Sanitation. The Department of Health (DOH) shall be responsible for formulating policies, standards and programs in sanitation. The DOH shall make periodic inspections for the purpose of issuing/renewing sanitary permits for establishments.

SEC. 5. Administrative Sanctions in cases of Violations. (a) In addition to the penalties provided for by existing laws, the DOLE may, by appropriate regulations, prescribe administrative fines for violations of occupational safety and health standards or regulations promulgated there under which in no case shall be less than One hundred pesos (P100.00) nor more than Ten thousand pesos (P10,000.00) a day, depending upon the gravity of the violation, starting from the date the violation is uncovered until the same has been corrected by the offender.

The fines shall accrue to the Occupational Safety and Health Fund and shall be managed by a Board, with the Secretary of the DOLE as Chairperson and the pertinent government agencies as members, which shall implement programs and promote research and training in occupational safety and health.

(b) In addition to the penalties provided for by existing laws, rules and regulations, the DENR may, by appropriate regulations, prescribe administrative fines for violations of environmental health, safety and protection standards or regulations promulgated thereunder which in no case shall be less than One hundred pesos (P100.00) nor more than Ten thousand pesos (P10,000.00) a day, depending upon the gravity of the violations, starting from the date the violation is in covered until the same has been corrected by the offender.

The fines shall accrue to the Environmental Safety and Protection Fund and shall be managed by a Board, with the Secretary of the DENR as Chairperson and the pertinent government agencies as members, which shall implement programs and promote research and training in environmental protection.

SEC. 8. Repealing Clause. All laws, decrees, executive orders and rules and regulations or part or parts thereof inconsistent with any provision of this Act are hereby repealed, modified, superseded or amended accordingly.

SEC. 9. Separability Clause. If any provision of this Act or the application of such provision to any person or circumstance is held invalid for any reason, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 10. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspaper of general circulation, whichever comes earlier.

Approved.